

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

THIS DOCUMENT RELATES TO:

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

No. 14-cv-00029-AB

MOTION TO APPROVE THE SETTLEMENT TRUST AGREEMENT

Pursuant to Section 23.5(a) of the Settlement Agreement,¹ dated June 25, 2014, as amended February 13, 2015, the National Football League, NFL Properties LLC (together with the NFL, "the NFL Parties"), and Co-Lead Class Counsel (collectively, the "Parties") hereby move for an order approving the proposed Settlement Trust Agreement,

¹ Under the terms of the Settlement Agreement, finally approved by this Court on April 22, 2015, as amended on May 8, 2015, "[p]romptly following the Effective Date, Co-Lead Class Counsel and Counsel for the NFL Parties will file a motion seeking the creation of a Settlement Trust under Delaware law and the appointment of the Trustee," and also "will file a proposed Settlement Trust Agreement with the Court." (Settlement Agreement § 23.5(a).) This motion does not seek the appointment of a Trustee because the Court previously appointed Citibank, N.A. as Trustee of the Settlement Trust in its Final Order and Judgment. (Am. Final Order & Judgment ¶ 13 (May 8, 2015), Doc. No. 6534.)

attached as Exhibit A, thereby allowing for the creation of the Settlement Trust and the funding of the Settlement Program.²

The Class Action Settlement became effective on January 7, 2017. (*See* Settlement Agreement § 2.1(jj).) Consistent with their obligations under the Settlement Agreement, Co-Lead Class Counsel and the NFL Parties negotiated the proposed Settlement Trust Agreement with Citibank, N.A., which the Court previously appointed as Trustee of the Settlement Trust. (Am. Final Order & Judgment ¶ 13 (May 8, 2015), Doc. No. 6534.) The proposed Settlement Trust Agreement complies with all applicable provisions of the Settlement Agreement, including without limitation, Section 23.5

Once the Court approves the Settlement Trust Agreement, Co-Lead Class Counsel, the NFL Parties, the Trustee, and the Special Masters will promptly execute the Settlement Trust Agreement approved by the Court, thereby creating the Settlement Trust. (Settlement Agreement § 23.5(c).) The NFL Parties will then fund the Settlement Trust pursuant to the terms of the Settlement Agreement. (*See* Settlement Agreement § 23.) This Court will retain continuing jurisdiction over both the Settlement Trust and the Trustee. (Am. Final Order and Judgment ¶ 17 (May 8, 2015), Doc. No. 6534.)

Accordingly, the Parties respectfully request that this Court enter an order approving the proposed Settlement Trust Agreement attached as Exhibit A.

² Unless otherwise noted, the capitalized terms used in this motion have the same meaning as those in the Settlement Agreement.

Dated: January 27, 2017



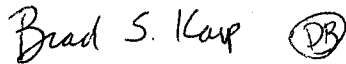
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Respectfully submitted,



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